



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,431	11/12/1999	PHILIPPE CHARAS	040010-491	9310

27045 7590 06/15/2004

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 06/15/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/438,431

Applicant(s)

CHARAS ET AL.

Examiner

Salad E Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10 and 15-25 is/are rejected.
- 7) ☒ Claim(s) 5-6 and 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 5/13/2004 has been entered.

2. Applicant's arguments filled on 5/13/2004 with respect claims 1-3 and 7-10 and 15-25 have been fully considered but they are moot in view of new ground of rejection.

Allowable Subject Matter

3. Claims 5-6 and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any

Art Unit: 2157

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 and 7-10 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gossett Dalton, Jr. et al., U.S. Paten No.

6,426,955[hereinafter Dalton] in view of Alperovich et al., U.S. Patent No.

6,600,738[hereinafter Alperovich].

As per claim 1, Dalton disclose a system of selectively accessing a network, comprising the steps of:

- determining whether an end device has access to said network, capable of communicating with one or more access network terminating devices each said access network-terminating device being coupled to an associated access network device and each said access network being communicably coupled with said IP network(see col. 4, lines 43-60, col. 5, lines 3-43 and col. 4, lines 43-60);
- confirming the availability of said one or more access network terminating devices, determining the access capability of each of said one or more access network terminating devices, said access capability comprising one or more predetermined factors (see col. 5, lines 3-43 and col. 12, lines 11-20);

Art Unit: 2157

- comparing the determined access capability for each of said one or more access network terminating devices with a preferred access capability being associated with said end device (see col. 18, lines 39 to col. 19, line 10 and 17, line 61 to col. 64); and
- selecting at least one of said one or more access network terminating devices to provide an optimum connection to said network, wherein the access capability of said selected network terminating device is ranked highest according to said predetermined factors (see col. 11, lines 39-60 and col. 5, lines 3-43).

Dalton is silent regarding: the end device selecting at least one or more network-terminating device.

Alperovich in analogous art discloses a communication network, where the end device selects one or more network terminating devices based on the end device preference (see the abstract and fig. 4, and col. 2, lines 12-23 and col. 5, line 58 to col. 6, line 13). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teaching of Alperovich such as enabling the end device to select at least one or more network terminating device into the system of Dalton in order to select a network terminating device having the best possible quality of service parameters.

Dalton and Alperovich are silent regarding: wherein said end device is coupled to an indirect interface utilizing (i.e. Blue tooth protocol).

Art Unit: 2157

Nonetheless, the utilization of indirect interface such Blue tooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system.

Furthermore, Gossett Dalton, Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Blue tooth protocol. In addition, a variety of conventional radio links may be utilized linking the end user and the terminating device. One particularly advantageous radio link is the Blue tooth radio link which offers the end user system variety of QOS services including security. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Dalton and Alperovich to utilize Blue tooth protocols, because one of the advantages of using Blue tooth wireless communication is that it possesses a built-in security which is advantageous in voice applications as may be used utilized by the end user systems.

In considering claim 2 , Dalton discloses the method of claim 1, further comprising the step of configuring said end device according to the access capability of the selected at least one of said one or more access network terminating devices (see col. 11, lines 39-60 and see col. 5, lines 3-43).

In considering claim 3, Dalton disclose the method of claim 1, wherein said predetermined factors of said one or more access network terminating devices comprise cost of access, coverage area, bandwidth delay, priority level and Quality of Service (QoS)(see col. 11, lines 39-60 and see col. 5, lines 3-43)

As per claim 7, Dalton disclose a system for providing selective access to an Internet Protocol network comprising:

- an end device capable of communicating with one or more access network terminating devices each said access network-terminating device being coupled to an associated access network device and each said access network being communicably coupled with said IP network(see col. 4, lines 43-60, col. 5, lines 3-43 and col. 4, lines 43-60);
- at least one access network-terminating device being coupled to an associated access network and each said network being coupled with said IP network (see fig. 2 and col. 5, lines 2-19)
- connecting said end device to said access network (see col. 5, lines 3-43 and col. 12, lines 11-20);and
processor incorporated in said end device for:
- detecting said at least one access network-terminating (see col. 5, lines 3-43);
- collecting an access capability of each of said one or more access network terminating devices, said access capability comprising one or more predetermined factors (see col. 5, lines 3-43 and col. 12, lines 11-20);
- comparing the determined access capability for each of said one or more access

Art Unit: 2157

network terminating devices with a preferred access capability being associated with said end device (see col. 18, lines 39 to col. 19, line 10 and 17, line 61 to col. 64); and

- selecting at least one of said one or more access network terminating devices to provide an optimum connection to said network, wherein the access capability of said selected network terminating device is ranked highest according to said predetermined factors (see col. 11, lines 39-60 and col. 5, lines 3-43).

Dalton is silent regarding: the end device selecting at least one or more network-terminating device.

Alperovich in analogous art discloses a communication network, where the end device selects one or more network terminating devices based on the end device preference (see the abstract and fig. 4, and col. 2, lines 12-23 and col. 5, line 58 to col. 6, line 13). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teaching of Alperovich such as enabling the end device to select at least one or more network terminating device into the system of Dalton in order to select a network terminating device having the best possible quality of service parameters.

Dalton and Alperovich are silent regarding: wherein said end device is coupled to an indirect interface utilizing (i.e. Blue tooth protocol).

Nonetheless, the utilization of indirect interface such Blue tooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system.

Art Unit: 2157

Furthermore, Gossett Dalton, Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Blue tooth protocol. In addition, a variety of conventional radio links may be utilized linking the end user and the terminating device. One particularly advantageous radio link is the Blue tooth radio link which offers the end user system variety of QOS services including security. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Dalton and Alperovich to utilize Blue tooth protocols, because one of the advantages of using Blue tooth wireless communication is that it possesses a built-in security which is advantageous in voice applications as may be used utilized by the end user systems.

In considering claim 8, Dalton discloses the system of claim 7, further comprising the step of configuring said end device according to the access capability of the selected at least one of said one or more access network terminating devices (see col. 11, lines 39-60 and see col. 5, lines 3-43).

In considering claim 9, Dalton discloses the system of claim 7, wherein said predetermined factors of said one or more access network terminating devices comprise cost of access, coverage area, bandwidth delay, priority level and Quality of Service (QoS)(see col. 11, lines 39-60 and see col. 5, lines 3-43).

Art Unit: 2157

In considering claim 10, Dalton disclose the system of claim 7, wherein said preferred predetermined factors of said one or more access network terminating devices comprise cost of access, coverage area, bandwidth delay, priority level and Quality of Service (QoS)(see col. 11, lines 39-60 and see col. 5, lines 3-43).

As per claim 15, Dalton discloses an device for connecting to an Internet Protocol (IP) network, comprising:

- means for storing access capability for said end device(see col. 4, lines 43-60, col. 5, lines 3-43;
- means for communicating with one or more access network terminating devices each said access network-terminating device being coupled to an associated access network device and each said access network being communicably coupled with said IP network (see col. 4, lines 43-60, col. 5, lines 3-43 and col. 4, lines 43-60);
means for comparing said stored access capability of each of said one or more access network terminating devices, said access capability comprising one or more predetermined factors (see col. 5, lines 3-43 and col. 12, lines 11-20);
- means for selecting at least one of said one or more access network terminating devices to provide an optimum connection to said network, wherein the access capability of said selected network terminating device is ranked highest according to said predetermined factors (see col. 11, lines 39-60 and col. 5, lines 3-43).

Art Unit: 2157

Dalton is silent regarding: the end device selecting at least one or more network-terminating device.

Alperovich in analogous art discloses a communication network, where the end device selects one or more network terminating devices based on the end device preference (see the abstract and fig. 4, and col. 2, lines 12-23 and col. 5, line 58 to col. 6, line 13). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teaching of Alperovich such as enabling the end device to select at least one or more network terminating device into the system of Dalton in order to select a network terminating device having the best possible quality of service parameters.

Dalton and Alperovich are silent regarding: wherein said end device is coupled to an indirect interface utilizing (i.e. Blue tooth protocol).

Nonetheless, the utilization of indirect interface such Blue tooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system.

Furthermore, Gossett Dalton, Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Blue tooth protocol. In addition, a variety of conventional radio links may be utilized linking the end user and the terminating device. One particularly advantageous radio link is the Blue tooth radio link which offers the end user system variety of QOS services including security. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Dalton and Alperovich to utilize Blue tooth protocols, because one of the advantages of using Blue tooth wireless communication is

Art Unit: 2157

that it possesses a built-in security which is advantageous in voice applications as may be used utilized by the end user systems.

In considering claim 17, Dalton discloses the end device of claim 15, wherein said access network terminating devices provide a communication link with the Internet (see fig. 1, element 102).

In considering claim 18, Dalton discloses the end device of claim 15, further comprising means for communicating over a direct interface (see fig. 1, element 105).

In considering claim 19, Dalton disclose the end device of claim 18, wherein said end device can communicate simultaneously over variety of interfaces that obviously may include a cellular interface (see fig. 1).

In considering claim 20, Dalton disclose the end device of claim 18, wherein said end device can communicate simultaneously over variety of interfaces that obviously may include a cellular interface (see fig. 1).

As per claim 21, Dalton disclose a system of selectively accessing a network, comprising the steps of:

- determining whether an end device has access to said network, capable of communicating with one or more access network terminating devices

Art Unit: 2157

each said access network-terminating device being coupled to an associated access network device and each said access network being communicably coupled with said IP network(see col. 4, lines 43-60, col. 5, lines 3-43 and col. 4, lines 43-60);

- confirming the availability of said one or more access network terminating devices, determining the access capability of each of said one or more access network terminating devices, said access capability comprising one or more predetermined factors (see col. 5, lines 3-43 and col. 12, lines 11-20);
- comparing the determined access capability for each of said one or more access network terminating devices with a preferred access capability being associated with said end device (see col. 18, lines 39 to col. 19, line 10 and 17, line 61 to col. 64); and
- selecting at least one of said one or more access network terminating devices to provide an optimum connection to said network, wherein the access capability of said selected network terminating device is ranked highest according to said predetermined factors (see col. 11, lines 39-60 and col. 5, lines 3-43).

Dalton is silent regarding: the end device selecting at least one or more network-terminating device.

Art Unit: 2157

Alperovich in analogous art discloses a communication network, where the end device selects one or more network terminating devices based on the end device preference (see the abstract and fig. 4, and col. 2, lines 12-23 and col. 5, line 58 to col. 6, line 13). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention to incorporate the teaching of Alperovich such as enabling the end device to select at least one or more network terminating device into the system of Dalton in order to select a network terminating device having the best possible quality of service parameters.

Dalton and Alperovich are silent regarding: wherein said end device is coupled to an indirect interface utilizing (i.e. Blue tooth protocol).

Nonetheless, the utilization of indirect interface such Blue tooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system.

Furthermore, Gossett Dalton, Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Blue tooth protocol. In addition, a variety of conventional radio links may be utilized linking the end user and the terminating device. One particularly advantageous radio link is the Blue tooth radio link which offers the end user system variety of QOS services including security. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Dalton and Alperovich to utilize Blue tooth protocols, because one of the advantages of using Blue tooth wireless communication is that it possesses a built-in security which is advantageous in voice applications as may be used utilized by the end user systems.

Art Unit: 2157

In considering claim 22 Gossett Dalton, Jr. et al., further comprising the step of continuing, after said connecting step, to identify access network terminating devices available to said end device (see col. 19, lines 10-52 and col. 20, line 35 to col. 21, line 66).

In considering claim 23, Gossett Dalton, Jr. et al., further comprising the step of: determining if said access capability information associated with a newly identified access network terminating device provides a better match with said stored user preferred access capability information than said selected network terminating device (see col. 19, lines 10-52 and col. 20, line 35 to col. 21, line 66).

In considering claim 24, Gossett Dalton, Jr. et al., further comprising the step of selectively changing said connection to said network, from said selected access network terminating device to said newly identified access network terminating device based on a result of said determining step(see col. 19, lines 10-52 and col. 20, line 35 to col. 21, line 66).

In considering claim 25, Gossett Dalton, Jr. et al., discloses system, wherein the step of transferring further comprises the step of offering the end user a foreign agent (see col. 19, lines 10-52 and col. 20, line 35 to col. 21, line 66).

Art Unit: 2157

6. Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable Dalton as applied to claim 15.

As per claim 16, although Dalton discloses substantial features of the claimed invention as discussed above with respect to claim 15.

Dalton is silent regarding:

utilizing an indirect interface such as Bluetooth interface and is associated with said access network terminating device..

Nonetheless, the utilization Blue tooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system. Furthermore, Gossett Dalton, Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Blue tooth. In addition, a variety of conventional radio links may be utilized the link between the end user and the terminating device. One particularly advantageous radio link is the Blue tooth radio link. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize Bluetooth interface, because one of the advantages of using Bluetooth wireless communication is that it possesses a built-in security which is advantageous in voice applications as may used utilized the end user systems.

CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number

Art Unit: 2157

is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to: (703) 872-9306



Abdullahi Salad
Examiner Au 2157
6/8/2004